

Town of Yarmouth

MINUTES OF THE PLANNING BOARD MEETING OF MARCH 7, 2012

The Yarmouth Planning Board held a regular business meeting at 5:30 p.m. on Wednesday, March 7, 2012 in the Hearing Room at the Yarmouth Town Offices located at 1146 Route 28, South Yarmouth, MA.

Members present were: Mr. Roche, Mr. Goodwin, Mr. Vincent, Mr. DiPersio, Mr. Weare and Mr. Driscoll.

Also present: Karen Greene, Director of Community Development

Chairman Roche opened the meeting at 5:30 p.m. He then led the Pledge of Allegiance.

1. Business Meeting

a. Definitive Subdivision #2926A, S. Millberg/C.R. Williams, Nick-Em Way, North Dennis Road
Present: Attorney Mike Stusse, Paul Sweetser, Craig Williams, Dave Clarke

At 5:34 pm, Chairman Roche opened the public hearing continued from April 4, 2012. Ms. Green read the legal notice into the record. Chairman Roche explained that no final action will occur this evening. Attorney Stusse made a presentation to the board, noting the time waiver given to June 18, 2012. He discussed a proposed covenant to include transferring the open space to the Town's Conservation Commission and adding fill to raise the homeowner lots. He further noted that there were lots of requests for annotations on the plan ie, soil logs, road profiles. He stated that any notation required by a town entity shall be added and that they will deliver a nitrogen aggregation loading plan to provide proof of compliance to the Board of Health.

Ms. Greene read staff comments from the file. Chairman Roche invited members of the public to speak.

- Linda Mitchell, 56 N. Dennis Road and Susan M. Davidson
- Phil Dature, 10 W. Great Western Rd: What's going to happen with open space? #13-#10 floods can get quite high, Warners' have water in their basement all the time. Will additional development displace the (already high) groundwater? Concerned he will get water in his basement.
- Frank Rouix, 81 N. Dennis Rd.: Request that tall arborvitae be added to buffer between his property and first lot.

Chairman Roche asked for comments from the board.

Mr. Goodwin – Will there be any access from land off N. Dennis (piece south of proposed access)? No, it is part of the open space conservation.

Mr. DiPersio –

Regarding Health's memo item A, noted the 2 ponds on the north side labeled as ponds on the definitive plan, labeled as wetland on aggregation plan. Mr. Williams stated that B. Hall considered <5,000 s.f. unregulated wetland. This is an ornamental man-made pond. <5,000 s.f. doesn't qualify as a wetland for MA DEP purposes. Mr. DiPersio noted Conservation's comments – NPDES deals w/sediment erosion, required meeting with Conservation Commission to clear up any issue. Mr. Sweetser commented, he works with Joe Borghesi the project engineer. (any more comment?)

Regarding Health's memo item B – soil and perc tests are required for all lots, questionable soils, need to do perc tests in drain fields. 2 minute drain questioned, may impact size of drainage system, notes adjusted high groundwater calculation.

He stated that plans should be incorporated to facilitate the review, will make it easier for contractors to implement. He added:

-ground water elevations need to be shown

- bottom of drain tables may be in groundwater – local rate = 1+ft, DEP=2+
- need something relative to setting houses 2' above groundwater.
- plan elevations should be on same datum, this is consistent with rules & regulations
- only plan to be recorded=definitive; notes requested by town departments should be incorporated into plan that gets recorded.
- relative to aggregation plan – how to factor in changes that result from DEP review; D. Clarke noted that DEP can't approve as lots have not yet been created.

Mr. Driscoll stated that he was in favor of a cluster subdivision.

Chairman Roche asked Attorney Stusse to respond –

Attorney Stusse commented:

1 - Traffic concerns had been addressed by police (DCX).

2 - Landscaping – he asked if something like Leland Cypress or Canadian Hemlock rather than arborvitae.

3 - The affordable housing unit is to be designated, the applicant will bring it up to code or opt for fees in lieu. TBD before any lots released.

4 – There will be 4 covenant conditions offered in writing.

Mr. Vincent asked about plans for the open space. Mr. Williams responded that the plan is to donate to Conservation Commission.

Chairman Roche asked for a motion.

On a motion by Mr. Goodwin, seconded by Mr. Weare, the board voted (6-0) unanimously to grant a waiver of time until May 4, 2012.

On a motion by Mr. Goodwin, seconded by Mr. Vincent, the board voted (6-0) unanimously to continue to April 4, 2012.

Ms. Greene noted that Site Plan Review would take place on April 13.

b. ANR #2812B – 44, 48, 62, 68 Route 28, West Yarmouth

Kieran Healy presented the plan to create 2 lots from 3. Chairman Roche asked for comments from the board. Mr. DiPersio stated the plan was straight forward. No other comments.

On a motion by Mr. DiPersio, seconded by Mr. Driscoll, the board voted (5-0) unanimously to endorse the ANR plan 2812B.

2. Workshop

a. Motel Cap Bylaw

Discussion took place. Chairman Roche noted that it was important for the board to take a position. Mr. Driscoll stated he was a free market fan and in favor of eliminating the cap. Mr. DiPersio stated he felt the same as Mr. Driscoll, let it be market driven. Mr. Weare was in favor of the removal of the cap, but noted the difficulty with counting – how do we do a TDR? Mr. Vincent – none. Mr. Goodwin stated that he did not want to see government in the way of doing business and was in favor of removing the cap. He asked Chairman Roche how does the board proceed?

Chairman Roche noted that the board previously wanted to postpone voting until the time when the Town Center Bylaw would go forward. Ms. Greene stated that March 21 was the public hearing. Mr. Goodwin suggested the board hold off voting until after public hearing. He requested that the chair or vice-chair reach out to Board of Selectmen to discuss. Chairman Roche agreed to reach out.

Copies of documents and other exhibits listed here may be found in the Planning Board office at Yarmouth Town Hall

b. Town Center Bylaw

Mr. Vincent updated the board on the ad hoc committees progress. He noted concern for the timeline, parking product to be purchased and some boundary changes – division of 3/3A. Ms. Greene touched on the Board's vision from the slide show. Need to revisit uses. She also noted the Cape Cod Commission updates – build out. Mr. Vincent thanked Lou N.

Mr. Goodwin asked about the GIZ, Chapter H and can we trade development capacity from other Economic Centers?

Mr. Driscoll expressed concern about trailer park outreach; Chairman Roche asked to invite them into Ms. Green's office); Lou N. offered to show height on existing poles; visualization.

Mr. Vincent noted some discussion on overlay vs. zoning; generally in favor of rezoning, perhaps using a transition period between overlay and zoning.

Mr. DiPersio congratulated the ad hoc committee. Driving force should be to attract business and create incentives ie, decrease parking, density.

3. Board Member Items - NONE

4. Correspondence - NONE

5. Upcoming Meetings

- a. March 14, 2012 (Workshop)
- b. March 21, 2012 (Business Meeting) – Public Hearing Motel Cap Bylaw
- c. March 28, 2012 (Workshop)

6. Adjournment

On a motion by Mr. Vincent, seconded by Mr. DiPersio, the board voted (6-0) unanimously to adjourn at 6:35 PM.

Approved on July 25, 2012

On a motion by Mr. Weare, seconded by Mr. Dipersio, members voted (6-0) unanimously to approve the minutes of March 7, 2012 as amended.